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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,107	02/05/2004	Chris Rhodes	60130-2016; 02MRA0393	3984

26096 7590 02/23/2006

CARLSON, GASKEY & OLDS, P.C.  
400 WEST MAPLE ROAD  
SUITE 350  
BIRMINGHAM, MI 48009

EXAMINER

BLANKENSHIP, GREGORY A

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/773,107	RHODES ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Greg Blankenship	3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-15 is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 16 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/17/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Bertolini et al. (6,029,403).

Bertolini et al. disclose a door module with parallel window regulator rails (18) and a trim panel (19). The window regulator rails (18) can be separably fixed to the trim panel (19), as seen in Figure 7. The window regulator rails (18) are fastened to a part of the door, the trim panel (19). A line projecting from the point where the window regulator rail (18) is attached to the trim panel (19) and perpendicular to the window regulator rail intersects a plane defined by the trim panel at a point outside of the trim panel, as seen in Attachment 1 of the previous office action. The window regulator rails (18) are fixed to the door trim (19) by first fixture features at a lower portion of the rails (18). The window regulator rails (18) are fixed to a structural part of the door, the door trim (19), by second fixture features at an upper portion of the rails (18). In reference to claim 2, the window regulator rails (18) may be attached to the door trim by clips as disclosed on lines 4-6 of column 6. In reference to claim 3, a window regulator (5) is disclosed and the window regulator rails (18) are guide

rails. In reference to claims 5 and 6, two parallel regulator rails (18) are disclosed to be attached in an identical fashion resulting in a second regulator rail (18) that has a fastening point from which a line extends that is perpendicular to the second guide rail to intersect the plane defined by the trim panel (19) at a second point outside of the door trim (19). In reference to claim 7, the rails are attached to the ends of folds (12) of the trim panel (19), as disclosed on lines 38-40 of column 2. One of these folds (12) is located in the upper region of the window regulator rails (18).

3. Claims 1, 3, 4, and 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Nishikawa et al. (6,449,907).

Nishikawa et al. disclose a door module with a window regulator rail (R2) and a trim panel (P). The window regulator rail (R2) can be separably fixed to the trim panel (P). The window regulator rail (R2) is fastened to a part of the door, the trim panel (P). A line projecting from the point where the window regulator rail (R2) is attached to the trim panel (P) and perpendicular to the window regulator rail intersects a plane defined by the trim panel at a point outside of the trim panel, as seen in the Attachment of this office action. Figure 5 shows a first fixation feature (46) that connects a structural part of the door, the trim panel (P), to an intermediate portion of the window regulator rail. Figure 5 shows a second fixation feature (50) that connects the window regulator rail to the trim panel (P). In reference to claim 3, a window regulator (R1) is disclosed and the window regulator rail (R2) is a guide rail. In reference to claim 4, an electric window regulator control (40) is attached to the trim panel (P) and has wires that connect it to the window regulator (R1). In reference to claim 7, Figure 4 shows the window regulator rail attached to the trim panel (P) in an upper region of the window regulator rail (R2). In reference to claim 8, a second

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fastening point is located on the lower region of the window regulator rail (R2) where the rail (R2) is connected to the trim panel (P). In reference to claims 9 and 10, a lock (33) and a door handle (30) are detachably mounted to the trim panel (P). The door handle (30) actuates the lock (33).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertolini et al. (6,029,403) in view of Nishikawa et al. (6,449,907).

Bertolini et al. do not disclose an electrical window regulator control mounted on the trim panel.

Nishikawa et al. teaches the mounting of an electrical window regulator control (40) to a trim panel (P) such that it can be connected to the window regulator (R1) by cables.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to mount an electrical window regulator control on the trim panel of Bertolini et al., as taught by Nishikawa et al., and connect it to the window regulator of Bertolini et al. to provide a passenger the ability to control the movement of the window.

***Allowable Subject Matter***

6. Claims 11-15 are allowed.

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7. Claims 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

8. Applicant's arguments filed 12/8/2005 have been fully considered but they are not persuasive. The applicant has argued that Bertolini et al. do not disclose a window regulator rail fixed to a door trim and fixed to a structural part of the door. The examiner disagrees with this argument since the claims do not specify what constitutes a "door trim" or a "structural part of the door". Due to this, the term "door trim" is read broadly to mean a panel that is attached to the passenger compartment side of a door shell or door frame, and the term "structural part of the door" is read broadly to mean a part of the door that provides support. Element (19) of Bertolini et al. is a panel that is attached to the passenger compartment side of a door shell. Element (19) of Bertolini et al. is a part of the door and provides support to the window regulator rail. Element (19) meets the claim language for the "door trim" and the "structural part of the door". The applicant has argued that claim 1 requires the door trim and structural part of the door to be separate components. The examiner disagrees since no limitation in claim 1 recites that the "door trim" and "structural part" must be separate components or that the term door trim cannot be used to refer to a structural part.

9. The applicant has presented a similar argument in response to the application of Nishikawa et al. (6,449,907). The examiner believes that element (P) meets the limitations of the terms "door trim" and "structural part of the door", as defined above, because element (P) is attached to the passenger side of the door shell (D) and it is a part of the door that provides support to numerous components like the window regulator rail, speaker, and wiring, as seen in Figure 1. The applicant

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has also argued that element (P) can not be a trim panel because Nishikawa et al. disclose element (T) to be the trim panel. Nishikawa et al. do disclose element (T) as their trim panel. However, this does not prevent the examiner's interpretation of Nishikawa et al. when comparing it to the applicant's claimed invention. As stated above, the applicant's claims do not prevent the interpretation of element (P) such that it reads on both the claimed "door trim" and the "structural part of the door".

### *Conclusion*

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Blankenship whose telephone number is 571-272-6656.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gab  
February 7, 2006



2/16/06

D. GLENN DAYOAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600